

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**TWENTY-FIFTH LEGISLATIVE DAY**  
**THURSDAY, FEBRUARY 1, 2007**

Senate Chamber

At the request of the President Pro Tempore, Senator Darrington called the Senate to order at 11 a.m.

Roll call showed all members present except President Pro Tempore Geddes; Senators Burkett, Cameron, Little, McGee, McKenzie, Pearce, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Ben Larson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Burkett, Cameron, Little, and McKenzie were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 31, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Stennett was recorded present at this order of business.

January 31, 2007

The JUDICIARY AND RULES Committee reports that **S 1017**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

**S 1017**, as amended, was filed for first reading.

January 31, 2007

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1017** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

President Risch assumed the Chair.

January 31, 2007

The JUDICIARY AND RULES Committee reports out **S 1022**, **HCR 2**, **HCR 3**, **HCR 4**, and **HCR 5** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1022** was filed for second reading.

**HCR 2**, **HCR 3**, **HCR 4**, and **HCR 5** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 31, 2007

The RESOURCES AND ENVIRONMENT Committee reports out **S 1011** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1011** was filed for second reading.

January 31, 2007

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Molly J. Huskey as State Appellate Public Defender, term to expire August 1, 2010.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

Senator Pearce was recorded present at this order of business.

January 31, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Max C. Black of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing January 24, 2007, and expiring April 11, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Stegner was recorded present at this order of business.

January 31, 2007

Mr. President:

I transmit herewith **H 30, H 32, H 35, H 36, H 37, and H 38** which have passed the House.

JUKER, Chief Clerk

**H 30, H 32, H 35, H 36, H 37, and H 38** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senator McGee was recorded present at this order of business.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Roy E. Decker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Stennett, the Gubernatorial appointment of Roy E. Decker as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Commerce and Human Resources Committee report, relative to the Gubernatorial appointments of J. Kirk Sullivan, W. W. "Bill" Deal, Tana Cory, and Gavin Gee, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Broadsword, seconded by Senator Werk, the Gubernatorial appointment of J. Kirk Sullivan as a member of the Public Employment Retirement System of Idaho Board was confirmed by voice vote.

On motion by Senator Cameron, seconded by Senator Werk, the Gubernatorial appointment of W. W. "Bill" Deal as Director of the Department of Insurance was confirmed by voice vote.

On motion by Senator Bilyeu, seconded by Senator Broadsword, the Gubernatorial appointment of Tana Cory as Chief of the Bureau of Occupational Licenses was confirmed by voice vote.

On motion by Senator Coiner, seconded by Senator Werk, the Gubernatorial appointment of Gavin Gee as Director of the Department of Finance was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 103** was before the Senate for final consideration.

Moved by Senator Jorgenson, seconded by Senator Stennett, that **SCR 103** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Lodge, Goedde, and Werk.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Hammond, Heinrich, Jorgenson, Kelly, Keough, Langhorst, Little, Malepaii, McKague, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 27.

NAYS--Corder, Gannon, Goedde, Hill, Lodge, McGee, McKenzie. Total - 7.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the President declared **SCR 103** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

President Pro Tempore Geddes was recorded present at this order of business.

**S 1017**, as amended, was introduced, read the first time at length, and filed for second reading.

**H 30** and **H 32**, by Environment, Energy, and Technology Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**H 35, H 36, H 37** and **H 38**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 2**, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**H 29** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 29** passed, title was approved, and the bill ordered returned to the House.

**S 1016** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1016** passed, title was approved, and the bill ordered transmitted to the House.

**S 1013** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1013** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:30 a.m., Friday, February 2, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary